

REMARKS

Claims 1-36 are pending in the current application. In an office action dated May 6, 2008, the Examiner rejected claims 1-4, 8-10, 12, 14-15, 18-22, 24-29, 31, and 33-36 under 35 U.S.C. § 102(e) as being anticipated by Farrand, U.S. Patent Application Publication No. 2003/0193619 ("Farrand"), rejected claims 5, 13, 17, 23, and 30 under 35 U.S.C. § 102(e) as being unpatentable over Farrand in view of Jeffers et al., U.S. Patent No. 4,739,510 ("Jeffers"), rejected claims 6, 11, 16, and 32 under 35 U.S.C. § 102(e) as being unpatentable over Farrand in view of White, U.S. Patent Application Publication No. 2002/0056098 ("White"), and rejected claims 6, 11, 16, and 32 under 35 U.S.C. § 102(e) as being unpatentable over Farrand in view of Ochiai et al., U.S. Patent Application Publication No. 2003/0193619 ("Ochiai"). Applicant's representative respectfully traverses these rejections.

Claim 1 is a very good example of the fact that Farrand does not anticipate the currently claimed invention. Claim 1 recites:

1. An audio/video (A/V) source component, comprising:
a processor; and
a data manager executable by the processor, the data manager adapted to monitor presentation of A/V program data requested by a user via a presentation device, the data manager adapted to automatically retrieve A/V program data related to the monitored A/V program data from an archival storage system in response to presentation of the monitored A/V program data to the user.

The subject matter to which claim 1 is directed is illustrated in Figure 7 of the current application, and described in the text of the current application beginning with paragraph [0065]. In Figure 7, a source component receives a request for A/V program data, in step 400, and initiates transfer of the data to a requesting sink component in step 404. The source component then accesses an archival storage system, in step 406. If the source component finds program data related to the requested and transferred program data, as determined in step 408, the source component monitors the sink component's activities to detect when, if at all, the requested program data is presented to a user via a presentation device. If the requested program data is presented to a user via a presentation device, as determined in step 410, the source component retrieves the related program data from the archival storage system. In other words, the source component

provides requested program data and looks for related data after initiating transfer of the requested data, but does not actually retrieve the related data unless the requested program data is actually presented to the user via a presentation device.

In rejecting claim 1, the Examiner points to a box labeled "NOC," numerically labeled 180 in Figure 2a of Farrand and paragraph [0078] of Farrand as teaching a processor. The NOC is described, beginning with paragraph [0070] of Farrand, as a network operation center that communicates with home media servers. The NOC is a large, centralized distributed server system. To those familiar with computer science and computer hardware, the NOC of Farrand is not a processor. Processors (100 in Figure 5 of the current application) are instruction-execution engines, generally implemented as a single integrated circuit. Processors are not servers, and can do almost nothing, by themselves, instead serving as one component of a computer system or other device that additionally includes memories, busses, power supplies, mass-storage devices, and many other components. Furthermore, paragraph [0078] mentions nothing about processors, and does not contain a single occurrence of the word "processor."

The Examiner next appears to state that the claimed data manager is disclosed in paragraph [0079] of Farrand. This paragraph describes Farrand's NOC as monitoring information downloaded to a user, so that the NOC can download additional, related information. But, as clearly shown in Figure 2a of Farrand, the NOC is a remote distributed server interconnected with a home media network via the Internet. There is no indication that the NOC can actually monitor a user's television or computer display device to determine when data downloaded to a user is actually rendered and presented to the user. Instead, as described in paragraph [0079], the NOC makes judgments based on the pattern of data requested. Again, please note claim 1, above. The currently claimed source component, after initiating transfer of data to a user, finds related data in an archival storage system. But note that the source component actually monitors the user's presentation system to detect if and when the transferred data is actually presented to the user before undertaking retrieval of the related data. Farrand's NOC has no way of carrying out such monitoring. It is connected via the Internet to the home media network of a user, and the user's devices are connected to the home media network. There is no

obvious way for a remote server connected via the Internet to a local network to monitor activities of devices on that network, and Farrand does not provide any teaching or suggestion of such monitoring. Instead, Farrand's NOC makes judgments solely based on the requests for data. In fact, in paragraph [0079], Farrand indicates that the NOC may download data to a user in anticipation of the user's needs – i.e. before the user has watched or listened to a rendering of requested data on which Farrand's NOC bases its search for related data. Clearly, paragraph [0079] does not teach or suggest the subject matter of claim 1. In fact, in paragraph [0081], Farrand clearly indicates that the NOC makes all judgments concerning related program data based on purchase transactions, and not on whether or not the user actually watches or listens to renderings of the purchased data.

The Examiner rejects claim 22 citing the identical paragraphs used in the rejection of claim 1, although claim 22 is directed to a distinct aspect of the present invention. This distinct aspect of the present invention is illustrated in Figure 8 of the current application. In Figure 8, a source component receives A/V program data in step 500. If no additional program data related to the received program data can be found in memory, the received program data is stored in memory, in step 514. However, if related program data that occurs prior to the received program data is found in memory, then the source component stores the received data in an archival storage system, in step 510. If the related program data occurs later in a sequence, then the received program data is stored in memory, and the related program data is sent to archival storage, in step 512.

It is highly unlikely that the few paragraphs of Farrand cited in the rejection of claim 1 could anticipate both claims 1 and 22, since claims 1 and 22 are directed to different aspects of the present invention, and because the cited paragraphs of Farrand provide almost no technical disclosure. In fact, the cited paragraphs of Farrand anticipate neither of claims 1 and 22. First, as would be clear to those with a background in computing and electronics, the claim term "A/V program data," recited in both claims 1 and 22, refers to audio/visual program data that is rendered by a presentation device for presentation to a user, as discussed throughout the current application and explicitly recited in claim 1. Examples of program data include digitally encoded television

programs or music, rendered to a user through a television set or stereo system, as discussed in the current application in paragraph [0018] of the current application. The Examiner reads this clearly and consistently used claim phrase onto a usage log maintained by Farrand's NOC. However, in paragraphs [0078-0079], Farrand clearly states that the usage log is a "log of network transactions for each home media server." Anyone familiar with computing and electronics would recognize Farrand's usage log to be a time-ordered list of transactions, and not "program data." Farrand's usage log is not rendered for presentation to any user. In fact, Farrand's usage log is never communicated to a user, but is maintained on Farrand's centralized network operations center, which is remote from any home system, as clearly stated by Farrand beginning with paragraph [0070] and as clearly illustrated in Figure 2a. Second, there is nothing in the cited paragraphs of Farrand that teach, mention, or even remotely suggest anything related to deciding, based on relatedness of newly received program data, whether or not to archive the newly received program data or the related program data already resident in a source component. Memory and archival storage are two different, distinct electronic storage systems, as would be immediately recognized by those familiar with computing and electronics, and as explicitly stated and illustrated in the current application, while paragraph [0097] of Farrand discusses storing "all of a user's data, music and video ... in a single location." Nothing in the cited paragraphs of Farrand has anything at all to do with deciding whether to store program data in memory or in archival storage, and neither memory nor archival storage systems are even mentioned in the cited paragraphs of Farrand.

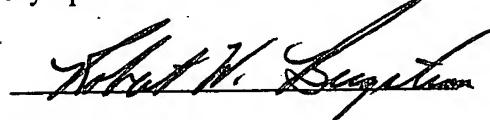
In the rejection of claim 29, the Examiner identifies the various presentation devices 192, 193, 194, and 195, which include apparently a VCR, personal computer, camera, and DVD player, as sink components. However, even in the claim language of claim 29, let alone throughout the specification of the current application, sink components are clearly stated to be distinct components from presentation devices. Presentation devices may include sink components, but presentation devices are not sink components. An exemplary sink component is shown in Figure 2 of the current application, and those familiar with computing and electronics would recognize that sink

components are not standard components of home electronics devices. Next, the Examiner again attempts to read the claim phrase "source component" onto Farrand's NOC, but, as discussed above, Farrand's NOC is a distributed server that constitutes a centralized network center, quite remote from home systems, and interconnected with network communications components of home systems via the Internet. There is simply no obvious way for a remote distributed server to monitor activities of devices, such as cameras and VCRs, connected to a home network system remotely. For one thing, such monitoring would require something more than a client/server TCP/IP protocol over the Internet, and Farrand does not remotely suggest such a protocol. Additionally, the NOC would be required to know the specific protocols for accessing each presentation device, if it were even accessible, and Farrand makes not the slightest suggestion that the NOC undertakes such complex monitoring roles. Finally, there is nothing in paragraphs [0079-0081] that even remotely suggest that Farrand's NOC monitors a home system to make decisions based on if and when program data are rendered and presented to a user. Instead, as discussed above, Farrand explicitly states that the NOC merely maintains logs of Internet-based purchase transactions.

Farrand is the only reference cited for the 35 U.S.C. § 102(e) rejections and the primary reference cited for all 35 U.S.C. § 103(a) rejections. Farrand has been cited for teaching aspects of the present invention that Farrand does not even provide remote suggestions, as discussed above. Farrand's NOC is a distribution center for program data purchased by users over the Internet, and does not interface with, or monitor, individual components within a home system, according to anything in Farrand cited by the Examiner. Farrand's NOC simply records purchase transactions, and offers additional program data based on logs of purchase transactions. Farrand does not teach, mention, or suggest the interoperating source and sink components of the present invention. Farrand does not anticipate or make obvious anything to which the current claims are directed.

In Applicant's representative's opinion, all of the claims remaining in the current application are clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

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